

SCHWARTZ SIMON
EDELSTEIN CELSO & ZITOMER LLC
By: Patrick D. Tobia, Esq.
44 Whippany Road, Suite 210
P.O. Box 2355
Morristown, New Jersey 07962
(973) 301-0001
Attorneys for Defendant, Shapiro & Diaz
n/k/a Shapiro & Perez, LLP

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

DAVID and MARIANNE RIVERA,

Plaintiffs,

vs.

WASHINGTON MUTUAL FSB,
COUNTRYWIDE HOME LOANS and
SHAPIRO & DIAZ, JOHN DOE
SERVICERS 1-100 AND JOHN DOE
LAW FIRMS 1-100

Defendants.

CIVIL ACTION NO. 09-00021 (JEI) (JS)

**CERTIFICATION OF
PATRICK D. TOBIA**

I, Patrick D. Tobia, of full age, certify as follows:

1. I am Counsel at the law firm of Schwartz Simon Edelstein Celso & Zitomer, LLC, attorneys for defendant, Shapiro & Diaz ("Shapiro") concerning this matter. I submit this Certification in support of Shapiro's motion to dismiss the complaint.

2. Plaintiffs, David and Marianne Rivera ("Plaintiffs") instituted this action on or about January 6, 2009 and filed an Amended Complaint on or about February 1, 2009. A copy of the Amended Complaint is annexed hereto as Exhibit A.

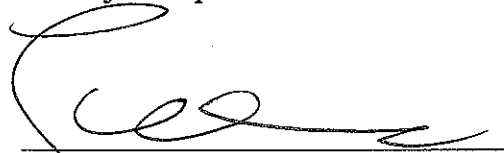
3. During Plaintiffs' Chapter 13 bankruptcy, Shapiro, on behalf of Washington Mutual, filed a motion for relief from the automatic stay due to Plaintiffs' failure to make certain payments and sought counsel fees and other costs in connection with the motion. A copy of the Motion is annexed hereto as Exhibit B.

4. Plaintiffs agreed to settle the issue and agreed to pay the past-due amounts and the attorneys' fees and costs. A copy of the May 31, 2005 Order is annexed hereto as Exhibit C.

5. Plaintiffs' bankruptcy case was dismissed, and on December 12, 2007, an Order was filed reinstating Plaintiffs' Chapter 13 bankruptcy and converting the case to a Chapter 7 proceeding. A copy of the December 12, 2007 Order is annexed hereto as Exhibit D.

6. Plaintiffs obtained a discharge from bankruptcy on March 14, 2008. A copy of the March 14, 2008 Order is annexed hereto as Exhibit E.

7. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are false, I am subject to punishment.

A handwritten signature in black ink, appearing to read 'Patrick D. Tobia', is written over a horizontal line.

Patrick D. Tobia

Dated: May 18, 2009